

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 05-20211

vs.

JOHN SIMMONS,

Defendant.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

There being no objection to the July 31, 2006 Report and Recommendation, and upon a *de novo* review, the Court adopts the Report and Recommendation (D.E. # 52). Further, the Court finds that Defendant is able to understand the nature and consequences of the proceedings against him and to assist his counsel. Based on the foregoing, Defendant is competent to stand trial.

IT IS SO ORDERED this 27th of November, 2006.

s/Bernice Bouie Donald

BERNICE BOUIE DONALD

UNITED STATES DISTRICT COURT JUDGE